

Conflict of Interest and Employee Conduct

Internal Policy Memorandum

At the _____, our goal is excellence in public service for our customers and the public. Each of our employees is responsible for both the integrity and consequences of his or her own actions. Every employee is expected follow the highest standards of honesty, integrity, and fairness when engaging in any activity concerning our _____. Employees are expected to be aware of standards of conduct and ensure they follow those, using good judgment at all times and in all situations. If employees have questions, they should ask their supervisor or executive management staff.

1. Age Requirements

Age Limits. It is the _____ normal practice not to employ persons who are less than eighteen (18) years of age. Present Child Labor Laws allow the _____ to hire persons under eighteen (18) years of age on a temporary basis under the guidelines contained in the Fair Labor Standards Act.

2. Personal Use of _____ Resources

2.1. Time and Equipment. Employees shall not conduct personal business during work time and shall not use _____ facilities, equipment, materials, mail, supplies, electronic communications and systems for personal use or outside employment.

Employees or their agents or relatives, shall not accept, lease, rent, sell, or purchase any _____ equipment or material.

2.2. Telephone Usage. Brief local calls may be made from _____ telephones. Long-distance calls are allowed only under the _____ Travel Policy or when charged to personal credit cards or collect.

3. Personal Conduct

3.1. Dress and Personal Hygiene. All employees are expected to dress, maintain their personal conduct, and exercise personal hygiene in a manner consistent with the nature of work performed and within reasonably accepted limits of the community and the setting within which work is performed.

3.2. Punctuality/Attendance. Employees are expected to maintain regular, punctual attendance. When an employee is unable to report to work as scheduled, he/she shall notify the responsible party as specified by the supervisor, prior to the absence, if at all possible.

3.3. Work Area. The work area of each employee should be properly maintained and provide a pleasant, orderly, and professional appearance.

Any display of material reasonably considered to be or having the potential to be offensive to others is prohibited.

- 3.4. Religious Expression. Employees may freely exercise their religious beliefs as long as doing so does not infringe on workplace efficiency and the requirements of the Civil Rights Act of 1964 as amended, concerning nondiscrimination on the basis of religion.

Employees and supervisors should respect the individuality of each person, and although they may share their belief that religion is important in a person's life, they must refrain from attempting to influence the religious beliefs of clients, colleagues, coworkers or subordinates while acting in any capacity as an employee of the_____.

No employment decision shall be made on the basis of religion. In accordance with state and federal law, the _____ will reasonably accommodate employees' religious practices. Consult with the Civil Rights Manager.

- 3.5. Solicitations. Employee and non-employee solicitations or the distribution of non-state-sponsored solicitation materials in the work area are prohibited. Solicitations and related staff time during working hours shall be limited to only those endorsed by the State of Idaho such as State Employees Charitable Giving Campaign, State-sponsored insurance programs, Red Cross blood drawings, etc. Other solicitations which require employee time or use of _____ facilities must receive prior approval from the Administrator.

- 3.6. Non-Smoking Policy. All state-owned or state-leased buildings, facilities, or areas occupied by state employees shall be designated as "non-smoking" except for custodial care and full-time residential facilities. The policy governing custodial care and full-time residential facilities may be determined by the directors of such facilities. (reference Executive Order 2000-01)

4. Conflict of Interest

- 4.1. Disclosure Requirement. Any time a real, or potential conflict exists between an employee's public duty and his/her private interest, outside activities or employment, the employee shall disclose it to the ADMINISTRATOR, in writing, at the earliest opportunity, and prior to acting upon the conflict or potential conflict. Only the ADMINISTRATOR is authorized to waive this written disclosure requirement. Failure to disclose a conflict or potential conflict of interest or appearance of impropriety, when an employee knew or could reasonably have known of such conflict or potential conflict or impropriety, may result in disciplinary action, up to and including dismissal.

- 4.2. Private Interest. Any activity performed in the course of employment which might have the appearance of impropriety or preferential treatment of family or relatives, significant other, etc., is prohibited.

4.2.1. Employees shall not profit, directly or indirectly from public funds under their control.

4.2.2. Contracting. Employees shall not have a private interest in any contract, or grant or other written agreement made by them in their official capacity.

Employees may not contract with the _____ or with another _____ or entity within state government. To prevent the appearance of impropriety in _____ contracts, the employee should refrain from disclosing insider, proprietary or confidential information to family, friends or business associates. This is especially so when there are or could be reasonable perceptions drawn that unfair contracting practices have occurred because of these relationships to employees.

4.2.3. Withdrawal. Employees should not act, but withdraw from any matter coming before them in the course of their official duties, if they or their family, relatives, significant other, etc., have a private interest in it. For example, if an employee has a private interest in, or is likely to become interested in, a contract of the _____, the employee should not take part in the preparation or approval of the contract or bid specifications.

4.3. Nepotism. No employee shall work under the immediate supervision of a supervisor who is a spouse, child, parent, brother, sister or the same relation by marriage.

4.4. Cohabitation and Romantic Relationships. Cohabitation of and/or relationships between employees and their supervisors and others holding positions of authority over them, should be conducted in a manner that avoids potential conflicts of interest, exploitation, or personal bias. The possibility of intentional, unintentional or perceived abuse of power should always be strongly considered in such relationships.

The _____ recognizes that it is not uncommon for married couples to be employed in the same field of work. The presence of married couples within the _____ does not automatically affect their employment status, but may necessitate that the couple and the _____ take steps either to manage or eliminate any potential conflict of interest.

4.5. Supervisor/Subordinate Relationships. Supervisor and employee relationships should remain professional. Supervisors should resist the temptation to become confidants, or counselors to employees. When friendliness becomes good "friends", work roles become confused.

4.6. Compensation From Outside Sources. Employees may not accept compensation from outside sources for doing their _____ job.

4.6.1. Gratuities. Employees may not (either individually or as a member of a group) directly or indirectly ask, accept, or receive any gift, favor, service, loan, gift certificate or entertainment which might reasonably be interpreted as tending to influence the performance of their official duties. Advertising trinkets normally given to the public such as pencils, pens, or other small gifts are exempt.

Employees shall not accept gratuities or other benefits exceeding a total retail value of \$50 per person/organization or composite within a calendar year.

4.6.2. Honoraria. Employees shall not accept honoraria from the public, associations, corporations, or governmental entities for appearances or services given in the course of their official duties.

4.7. Impartiality in Performing Official Duties. Employees are expected to act impartially in performing official duties and not give preferential treatment to any outside organization or individual.

4.8. Outside Activities. Employees must critically assess their outside activities. Endeavors, with and without remuneration, that may be construed to be a conflict of interest with _____ operations or programs or which would have the appearance of impropriety, are prohibited.

4.8.1. Serving on Boards and Committees. Employees shall not accept or serve in any policy-making position or office of an organization, board or commission in which an opportunity for conflict of interest might arise between the activity and _____ employment, except upon written approval of the Administrator

4.8.2. Employee Organizations. Employees shall be protected in their right to form, join, and assist an employee organization or to refrain from any such activity.

Employee organizations have the right of reasonable access to state offices for meeting space and the use of bulletin boards as long as it does not interfere with the efficient administration of state business or the performance of the employee's duties during working hours.

4.9. Dual Employment. The _____ neither encourages nor objects to employees engaging in outside employment. However, such employment must:

- Be compatible with the role of the staff member as a public employee; and
- Not conflict with the best interest of the _____ or the employee's responsibilities or hours of work (reference Idaho Code 67-2508).
- Not involve activities that would constitute a conflict of interest or have potential for a conflict of interest.

5. Dual Employment within State Service. Prior written approval from all appointing authorities is required for any dual employment within state service. An employee may accept employment in any educational program conducted under the State Board of Education or the Board of Regents of the University of Idaho provided such employment is conducted outside his/her normal work hours with the _____ (Ref. Idaho Code 67-2508) and there are no conflicting hours of work.

5.1. Employees Working for the Division as Volunteers. Employees are prohibited under the Fair Labor Standards Act (FLSA) from volunteering (without expectation of compensation) to perform for the _____ the same type of services they are employed by the _____ to perform. However, no violation of

FLSA occurs if employees volunteer to perform work unrelated to their current job and do so without coercion or pressure from the_____.

- 5.2. Withdrawal from Conflict. Employees should not act, but withdraw from any matter coming before them in the course of their outside activities, employment or volunteer work, if the outside organization is seeking official action from, doing business with, or conducting activities affected by the _____. For example, if an employee is a board member of an organization that is bidding on a _____ contract, the employee must withdraw and refrain from having interest in the contract, or from voting, or making decisions or recommendations concerning that contract. The employee must also disclose the conflict to the Administrator.
- 5.3. Elimination of Conflict/Appeal to Administrator. When an employee has received written approval to engage in outside employment or other activities, but that employment or activity impairs the employee's ability to perform or interferes or creates a conflict of interest, the employee will be requested in writing by the Administrator to modify or cease that employment or activity within five (5) working days. Failure to do so may result in disciplinary action. If the employee does not agree with the decision, he/she may appeal the action in a letter to the Administrator within three (3) working days.

References:

1. Protection of Public Employees [Whistle Blower Act] (Ref. IDAPA 6.2101-2109).
2. Summary of Employee Travel Policy (Ref. FISCAL Manual, Chap. 7, Employee Travel).
3. Disciplinary Actions (Ref. IDAPA 15.01.01.190).
4. Ethics in Government Act of 1990 (Ref. Idaho Code 59-701).